IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3370 OF 2004

Shri Harish Virumal Milani & ors. ... Petitioners

V/s

Shri Prabhakar Trimbak Purandare ... Respondent

Shri R.A. Thorat for the petitioners.

Shri A.M. Joshi for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 13TH APRIL, 2006

OPERATIVE ORDER

1. Heard learned counsel for both parties. Perused the record.

2. For the reasons separately recorded, the Rule is made absolute. Petition is allowed in terms of prayer clause (b).

The judgment and order passed by the Addl. District Judge, Pune, dated 14.1.2004 is hereby set aside and the order dated 18.8.2003 passed by the Trial Court in Civil Suit No. 673 of 2000 is hereby confirmed.

With this direction, the petition is disposed of with no order as to costs.

3. At this stage, the learned counsel for the respondent prays for stay of this order. In view of the facts and circumstances, the order stands stayed for the period of eight weeks, on condition that no third party interest would be created by the respondent in the suit property and the respondent shall continue to pay the rent as per the agreed rate during the occupancy period.

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